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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/756,970	
	Filing Date	January 13, 2004	
	First Named Inventor	Kevin T. Foley	
	Art Unit	3733	
	Examiner Name	Mary C. Hoffman	
Total Number of Pages in This Submission	18	Attorney Docket Number	MSDI-223/PC444.06

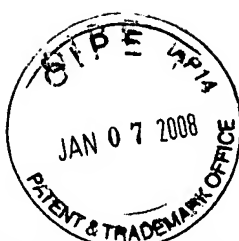
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Krieg DeVault LLP		
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Date	January 2, 2008	Reg. No.	45,431

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# **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:	)	Before the Examiner
Foley et al.	)	Mary C. Hoffman
	)	
Application Serial No. 10/756,970	)	Group Art Unit 3733
	)	
Filed January 13, 2004	)	Ref. No. MSDI-223/
	)	PC444.06
	)	
SURGICAL INSTRUMENTATION AND	)	January 2, 2008
METHOD FOR TREATMENT OF THE SPINE	)	

## **RESPONSE TO FINAL OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated November 1, 2007, please consider the following amendments and remarks. The two-month early response period for responding to the final Office Action expired on January 1, 2008, which fell on a federal holiday, thereby extending the two-month early response period to January 2, 2008 (the first business day after January 1, 2008). Please charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

January 2, 2008

Date of Deposit

Brad A. Schepers

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Signature

January 2, 2008

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### **INTRODUCTORY COMMENTS**

Claims 54-79 were pending in the subject application for the final Office Action dated November 1, 2007. Claims 71-73 have been withdrawn from consideration. Claims 54-70 and 74-79 have been rejected on various grounds. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.